

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE NORTHWEST ATLANTA TWO COMMERCIAL/INDUSTRIAL
ENTERPRISE ZONE EXPANSION AND FOR OTHER PURPOSES**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for commercial purposes if certain conditions are met; and

WHEREAS, designation of a Commercial/Industrial Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

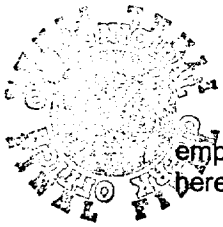
WHEREAS, the city of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the Northwest Atlanta Two Commercial/Industrial Enterprise Zone Expansion;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the 841 Ashby Street area is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the 841 Ashby Street area, are characterized by no investment or under-investment by private enterprise in ventures that produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the



employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Northwest Atlanta Two Commercial/Industrial Enterprise Zone Expansion is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Northwest Atlanta Two Commercial/Industrial Enterprise Zone Expansion shall be abolished on December 31, 2011. The Northwest Atlanta Two Commercial/Industrial Enterprise Zone Expansion shall otherwise not be abolished except as provided in State law. A legal description of The Northwest Atlanta Two Commercial/Industrial Enterprise Zone Expansion is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Any jobs created in this industrial enterprise zone, created subsequent to the adoption of the ordinance from which this subsection derives shall be subject to the requirements of chapter 2 article XI of this Code, pertaining to the first source jobs policy.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Northwest Atlanta Two Commercial/Industrial Enterprise Zone Expansion to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

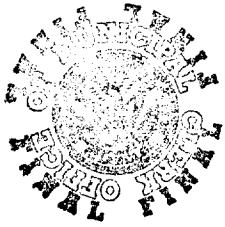
Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUN 04, 2001
JUN 08, 2001



**PROPOSED NORTHWEST ATLANTA TWO
INDUSTRIAL/COMMERCIAL ENTERPRISE ZONE
LEGAL DESCRIPTION**



STATE OF ILLINOIS
COUNTY OF COOK

Public County, Georgia
Real Estate Transfer Tax
Paid \$ 11.00
Date 12-1-94
JUANITA HICKS
Clerk, Superior Court
By: [Signature]
Deputy Clerk

AFTER RECORDING RETURN TO:
SPECIALIZED TITLE SERVICES, INC.
2706 MT. VERNON ROAD
SUITE 200
ATLANTA, GEORGIA 30328
878 FIVE NO. 10711-2

JUANITA HICKS
CLERK, SUPERIOR COURT
1994 DEC -1 PM 3:20
FILED AND RECORDED

LIMITED WARRANTY DEED

THIS INDENTURE, Made the 24th day of November, in the year 1994, between SEARS LOGISTICS SERVICES, INC., (a Georgia corporation) and prior to that Terminal Freight Handling Company) duty incorporated under the laws of the State of Delaware, as party of the first part, hereinafter called Grantor, and MCN ENTERPRISES, INC., a Georgia corporation as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of this presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

See Exhibit A, Legal Description, attached hereto and made a part hereof.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the said described property unto the said Grantee against the claims of all persons claiming by, under or through Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

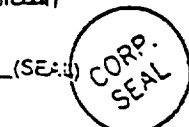
Signed, sealed and delivered
in the presence of:

Sears Logistics Services, Inc.

[Signature]
Unofficial Witness

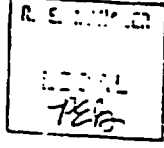
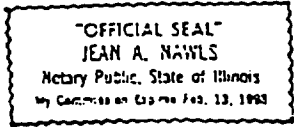
by: [Signature] (SEAL)
James E. Comerford, President

[Signature]
Notary Public



MY COMMISSION EXPIRES: February 13, 1995

(AFFIX NOTARY SEAL)



After Recording Return To:

100017102



RECEIVED AND RECORDED
FULTON COUNTY
NOV 2 1994

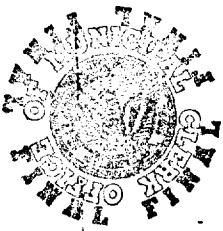
EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in the City of Atlanta, Land Lot 112 of the 14th District, and in Land Lot 150 of the 17th District, Fulton County, Georgia, more particularly described as follows:

BEGIN at a 3/4" iron pin on the eastern Right-of-Way Line of Ashby Street (50 foot right-of-way), said iron pin being located 436.10 feet northerly along said Ashby Street Right-of-Way Line from the northern Right-of-Way Line of Jefferson Street (60 foot right-of-way); thence travel along said easterly Right-of-Way Line of Ashby Street north 00 degrees 23 minutes 29 seconds east a distance of 788.83 feet to an iron pin set; thence leave said Right-of-Way Line and travel south 89 degrees 18 minutes 51 seconds east a distance of 585.78 feet to an iron pin set on the southwesterly Right-of-Way Line of Old Marietta Street; thence travel along said southwesterly Right-of-Way Line south 33 degrees 22 minutes 34 seconds east a distance of 158.21 feet to a point; thence continue along said Right-of-Way Line along the arc of a curve to the left an arc distance of 293.23 feet (said arc being subtended by a chord bearing south 56 degrees 37 minutes 55 seconds east a chord distance of 282.48 feet and having a radius of 310.80 feet) to a point; thence continue along said Right-of-Way Line south 81 degrees 37 minutes 40 seconds east a distance of 124.40 feet to a 1/2" iron pin set; thence leave said Right-of-Way Line and travel south 00 degrees 29 minutes 00 seconds west a distance of 484.54 feet to a 1/2" iron pin found; thence travel north 89 degrees 32 minutes 18 seconds west a distance of 1033.10 feet to a 3/4" iron pin found on the easterly Right-of-Way Line of Ashby Street, said iron pin found being the POINT OF BEGINNING.

ALL AS SHOWN on that certain Survey for MCN Enterprises, Inc., by Metro Engineering and Surveying Company, Inc., bearing the seal and certification of Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, dated October 27, 1994, last revised November 14, 1994.

30117 190017103



Fulton County, Georgia
Real Estate Transfer Tax
Paid: 400.00

Date: 11/19/96
JUANITA HICKS
Clerk, Superior Court

STATE OF ILLINOIS

COUNTY OF COOK

By: RA

Deputy Clerk

LIMITED WARRANTY DEED

FOR RECORDING RETURN TO:
SPECIALIZED TITLE SERVICES, INC.
170 PEACHTREE DUNWOODY ROAD
SUITE 300 BUILDING #2
ATLANTA, GEORGIA 30328
ATTENTION: _____
STB FILE # _____

GEORGIA, FULTON COUNTY
FILED FOR RECORDING
96 JAN -2 PM 4:48
JUANITA HICKS
CLERK COURT

THIS INDENTURE, Made the 26th day of December, in the year One Thousand Nine Hundred Ninety-Five, between SEARS LOGISTICS SERVICES, INC., (t/k/a SLS, Inc. and prior to that Sears Logistics Services, Inc., and prior to that Terminal Freight Handling Company) duly incorporated under the laws of the State of Delaware, as party or parties of the first part, hereinafter called Grantor, and MCN ENTERPRISES, INC., a Georgia corporation as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of this presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See Exhibit A, Legal Description, attached hereto and made a part hereof.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FREE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the said described property unto the said Grantee against the claims of all persons claiming by, under or through Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

SEARS LOGISTICS SERVICES, INC.

Karl R. Brown
Unofficial Witness

By: James J. Strauss (SEAL)
James J. Strauss, V.P. -
Planning & Operations Services

Linda F. Fredrickson
Notary Public

MY COMMISSION EXPIRES: 2/3/96

(AFFIX NOTARY SEAL)

OFFICIAL SEAL
LINDA F. FREDRICKSEN
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 2/3/96

After Recording Return To:



204358307



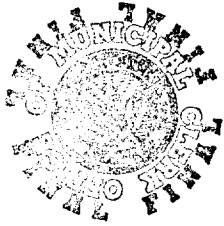
EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot 150 of the 17th District of Fulton County, Georgia, being more particularly described as follows:

BEGIN at a point located on the Easterly Right-of-Way Line of Ashby Street (50' Right-of-Way) 1,224.93' North of the Right-of-Way Line of Jefferson Street, thence travel along said Right-of-Way Line of Ashby Street (50' Right-of-Way) North $00^{\circ}23'29''$ East a distance of 227.36' to a point; thence leave said Right-of-Way Line and travel North $56^{\circ}40'26''$ East a distance of 358.91' to an open top found on the Westerly Right-of-Way Line of Marietta Street (60' Right-of-Way); thence travel along said Right-of-Way Line of Marietta Street (60' Right-of-Way) South $33^{\circ}22'34''$ East a distance of 516.79' to an iron pin set; thence leave said Right-of-Way Line and travel North $89^{\circ}18'51''$ West a distance of 585.78' to an iron pin set on the Easterly Right-of-Way Line of Ashby Street (50' Right-of-Way), said iron pin set being the Point of Beginning.

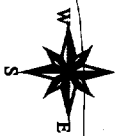
All as shown on that certain Survey For MCN Enterprises, Inc., prepared by Metro Engineering and Surveying Co., Inc., bearing the seal and certification of Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, dated October 19, 1995.

204351308

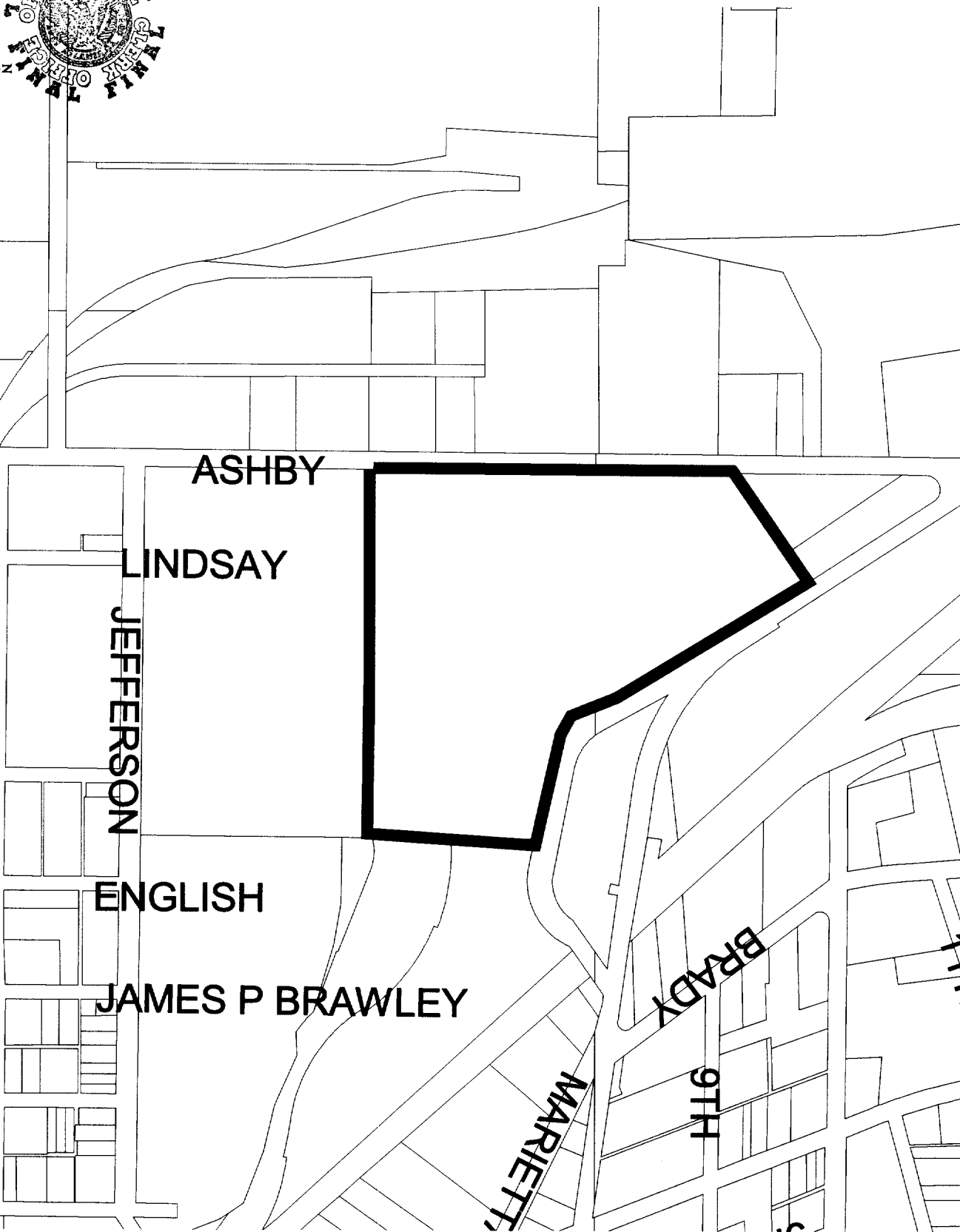


**PROPOSED NORTHWEST ATLANTA TWO
INDUSTRIAL/COMMERCIAL ENTERPRISE ZONE
LOCATION MAP**

- ☐ Map - general
- ☐ Map - streets
- ☐ Map - transit
- ☐ Map - parks

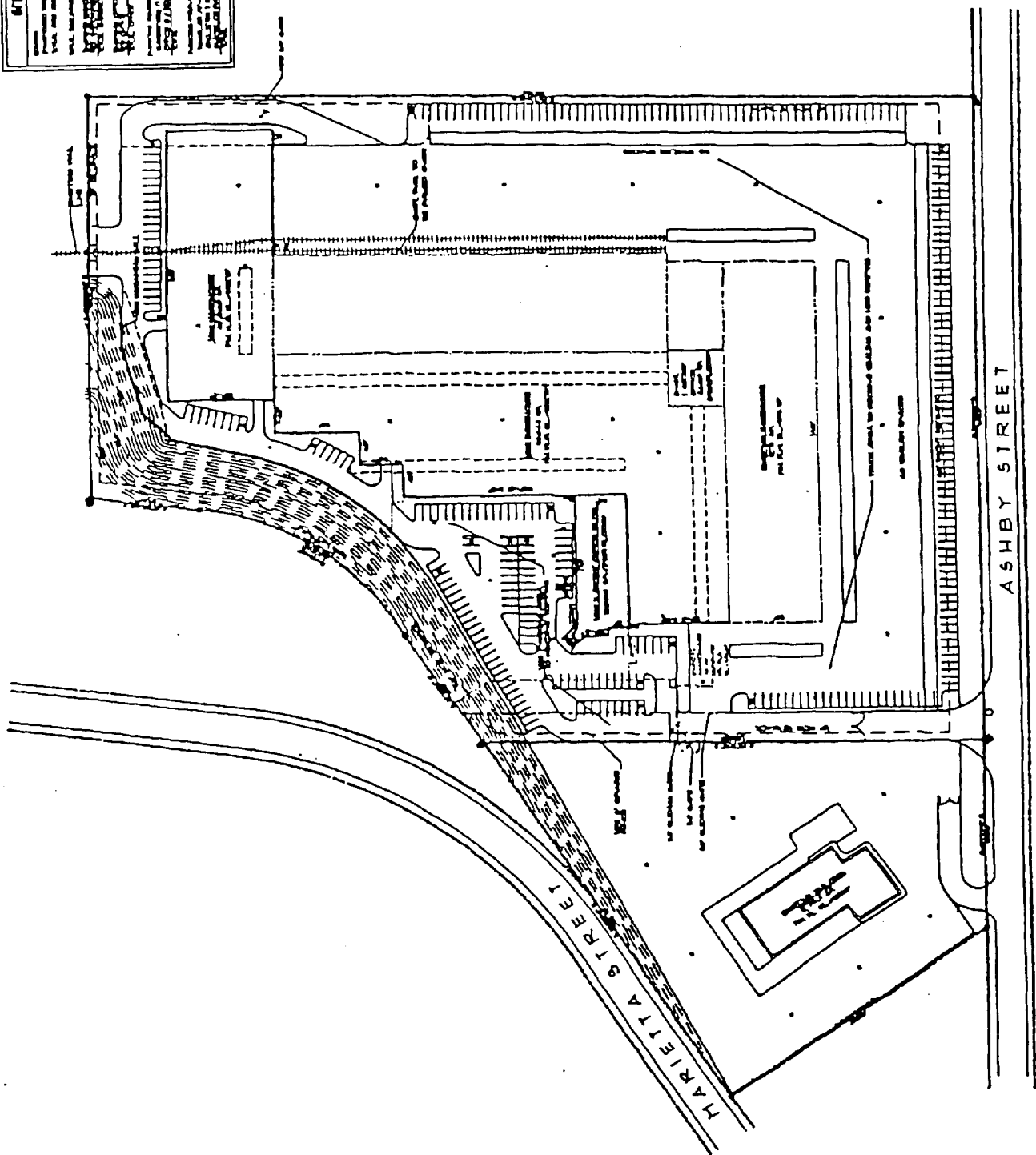


NORTHWEST/ATLANTA EXPO

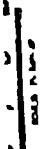


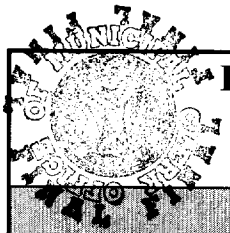
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for # 8



SITE PLAN





EVALUATION OF THE NORTHWEST TWO EXPANSION COMMERCIAL/INDUSTRIAL ENTERPRISE ZONE

Criterion	Required	Proposed	Compliance
1. Census Tract Eligibility	One of designated Census Tract block groups	Census Tract 8 (B. G. 1)	√
2. Acreage	NONE	20 acres	√
3. CDP Consistency	CDP Land Use Classification Industrial F.A.R 0.0 - 2.0	Industrial F.A.R. .334	√
4. Zoning Compliance	Current Zoning Classification I-2 Industrial	Industrial	√
5. Project Specificity	Project Specific Zone or ≥ 50% of Areawide Zone	Project Specific Zone	√
6. Job Creation	First Source Jobs Policy	40 jobs	√
7. Non-Displacement	Minimum Displacement	None	√
8. Financial Feasibility	Chief Financial Officer's Statement of Fiscal Impact: g. negative cash flow, or h. debt coverage ratio <1.20, or f. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified	TBD	TBD

March 2, 2001

CITY OF ATLANTA DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
BUREAU OF PLANNING
CYCLEI01CHECKLST

RCS# 2912
6/04/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

Unanimous

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0653
01-O-0663
01-O-0664
01-O-0835
01-R-0181
01-R-0851

CONSENT

06/04/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED
ON CONSENT AGENDA**

21. 01-R-0796
 22. 01-R-0797
 23. 01-R-0798
 24. 01-R-0799
 25. 01-R-0800
 26. 01-R-0801
 27. 01-R-0802
 28. 01-R-0803
 29. 01-R-0804
 30. 01-R-0805
 31. 01-R-0806
 32. 01-R-0807
 33. 01-R-0808
 34. 01-R-0891
 35. 01-R-0810
 36. 01-R-0811
 37. 01-R-0812
 38. 01-R-0813
 39. 01-R-0814
 40. 01-R-0815
 41. 01-R-0816
 42. 01-R-0817
-

01-0 -0492

(Do Not Write Above This Line)

AN ORDINANCE
BY COMMUNITY DEVELOPMENT AND
HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE NORTH
WEST ATLANTA TWO COMMERCIAL/
INDUSTRIAL ENTERPRISE ZONE
-EXPANSION AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 0 4 2001

COUNCIL

unanimous

☒ CONSENT REFER

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

Date Referred 4/2/01

Referred To: Community Development / Human Resources

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

COUNCIL ACTION

☒ 2nd

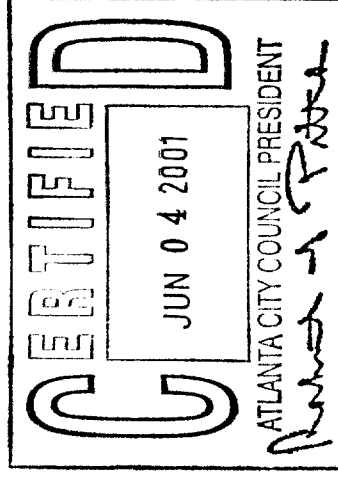
☐ 1st & 2nd

☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



CERTIFIED
JUN 0 4 2001

Robert A. Parker
MUNICIPAL CLERK

